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March 27, 2015

TO: ZONING AND PLANNING COMMITTEE CLERK

FROM: COUNCILMEMBER RON MENOR

SUBJECT: PROPOSED AMENDMENTS FOR THE UNILATERAL AGREEMENT  
FOR BILL 3 (2014) TO REZONE LAND SITUATED AT HONOULIULI,  
OAHU, HI

Pursuant to Councilmember Ikaika Anderson's memorandum dated February 5, 2014 (Council Communication No. 22), I am submitting herewith for consideration by the Zoning and Planning Committee proposed amended conditions for the Unilateral Agreement for Bill 3 (2014).

**Amendments to Transportation System**

1. The Declarant shall reimburse 90 percent of the cost of one annual bus pass for each new home which is delivered in the first five years after residential occupancy is allowed under this Declaration, provided that when rail is operational, the annual pass shall be applicable to bus and/or rail.
2. The Declarant shall make presentations to the Ewa Neighborhood Board No. 23, Waianae Coast Neighborhood Board No. 24, Makakilo/Kapolei/Honokai Hale Board No. 34, and Nanakuli-Maili Board No. 36, on any updates to the TIAR. Provided, however, that the requirements of this condition shall be deemed satisfied if the Declarant makes a written request to present the contents of any TIAR updates to each of the neighborhood boards and:
  - a. The neighborhood board fails to provide the Declarant with an opportunity to present any update to the TIAR at a meeting held within 60 days of the written request; or

- b. The neighborhood board provides the Declarant with written notice that it has no objection to the TIAR update or that no presentation is necessary.
3. Prior to the completion of 3,000 residential units, the Declarant shall provide all recommended roadway and traffic mitigation measures as set forth in the Revised Draft Final TIAR and that corresponds to development thresholds, as agreeable to the DOT, and at no cost to the State.
4. No residential units in excess of \_\_\_\_\_ units can be sold for occupancy until the construction of an additional eastbound and westbound lane on the H-1 freeway between the Kualakai Interchange and the H-1/H-2 merge is completed.
5. No residential units in excess of \_\_\_\_\_ units can be sold for occupancy until Rail Transit is fully completed and operational.

#### **Amendment to Affordable Housing Requirements**

Include language below:

“The Declarant shall provide low and moderate income housing meeting the following minimum requirements:

##### **For Construction of On-Site Affordable Housing:**

- (a) If rental affordable units are provided, a minimum of 15 percent of the total units must be affordable to households earning 80 percent of the area median income for Honolulu (AMI) or lower;
- (b) If for-sale affordable units are provided, a minimum of 30 percent of the total units must be affordable to households earning 120 percent of AMI or lower; and
- (c) The minimum period of affordability shall be no less than 30 years and no more than 60 years.

##### **For Construction of Off-Site Affordable Housing:**

- (a) Only affordable rental units will be allowed, and a minimum of 20 percent of the total units must be affordable to households earning 80 percent of AMI or lower; and
- (b) The minimum period of affordability shall be no less than 30 years and no more than 60 years.

##### **Alternative--In Lieu of Construction Fee:**

A fee equivalent to the cost of constructing a percentage of the total units as affordable shall be paid into the Affordable Housing Fund. The amount of the fee shall be updated regularly to reflect current construction costs”